The 12th Annual Report of the Criminal Injury Compensation Act of British Columbia

JANUARY 1, 1983 - DECEMBER 31, 1983

Administered by the
Workers' Compensation Board of British Columbia
for the Ministry of the Attorney General

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THE CRIMINAL INJURY COMPENSATION ACT

Minister responsible for the Act:

The Honourable Brian D.R. Smith, Q.C.
Attorney General
Province of British Columbia

Agency responsible for the administration of the Act:

Workers' Compensation Board of British Columbia

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THE 12TH ANNUAL REPORT OF THE
CRIMINAL INJURY COMPENSATION ACT
OF BRITISH COLUMBIA

1 JANUARY 1983 - 31 DECEMBER 1983

Administered by the Workers' Compensation
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29 February 1984

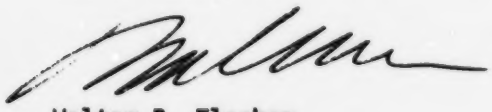
TO HIS HONOUR THE LIEUTENANT-GOVERNOR
IN COUNCIL OF THE PROVINCE OF
BRITISH COLUMBIA

May it please your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period 1 January 1983 to 31 December 1983.

Yours respectfully,



Walter R. Flesher
Chairman
Workers' Compensation Board
Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since 1 July 1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of (a) the commission of any one of 44 criminal offences set out in the schedule of the Act or where the injury or death resulted from; (b) the lawful arrest or attempt to arrest an offender or suspected offender, or assisting a peace officer in making or attempting to make an arrest; or (c) the lawful prevention or attempt to prevent the commission of a criminal offence or suspected offence or assisting a peace officer in preventing or attempting to prevent the commission of such offence or suspected offence.

The Act applies in respect to all persons injured or killed in British Columbia in the above described circumstances notwithstanding that the victims may not have been residents of British Columbia at the time.

APPLICATIONS

1,112 new applications were received during the year which, when added to the 163 applications carried forward from the previous year, presented 1,275 claims for consideration and decision; of that number, 1,134 applications were disposed of leaving 141 cases to be carried forward to the following year. Since the Act has been in force, the Board has received a total of 7,342 applications.

Application forms are available to claimants at all Workers' Compensation Board offices located throughout the province (see list of offices on the last page of this report). Information booklets explaining the provisions of the Act in general terms are also forwarded or given to every prospective claimant along with the application form. All completed application forms are required to be submitted to the Board's office in Richmond for further processing.

A random selection of claims processed during the year is contained in summary form on pages 14 to 21. Three decisions on actual claims have also been reproduced on pages 10 to 13 to illustrate the general format of the decision as well as the factors normally taken into consideration in dealing with applications under the Act.

COMPENSATION AWARDS

The Board may grant compensation in the form of a lump sum payment and/or a periodic award. The maximum lump sum payment that can be awarded, in respect of the injury or death of one victim, is $25,000. In appropriate cases, however, this lump sum payment can be supplemented by a periodic award within the limits prescribed by section 13 of the Act. The Board is precluded from awarding compensation where the amount payable is less than $100.

COMPENSATION AWARDS (cont'd)

Compensation may be awarded for: (a) expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death; (b) pecuniary loss or damages incurred by the victim as a result of total or partial disability affecting the victim's capacity for work; (c) pecuniary loss or damages incurred by the dependants as a result of the victim's death; (d) maintenance of a child born as a result of rape; (e) replacement or repair of broken or damaged artificial appliances, clothing, eyeglasses, dentures and hearing aids; and (f) other pecuniary loss or damages including and reflecting intangible elements such as pain and suffering, loss of amenities, loss of life expectancy, etc. The Board has regard to court awards and awards granted by other jurisdictions in determining the amount of compensation to be awarded in this latter category.

Compensation may also be awarded for funeral and burial expenses where such expenditures are not provided for under an Act of Canada or the province. The Board may also furnish or provide medical, surgical, hospital, nursing and other care or treatment, transportation, medicines, crutches and apparatus, including artificial members and other rehabilitative measures to victims of crime in addition to the other compensation provided by the Act.

A total of $3,262,816 was paid out in compensation awards in 1983. Of that total, $2,416,458 was awarded in the form of lump sum payments and $846,358 was paid out in periodic awards. The latter includes ongoing payments on awards granted in prior years. Since enactment of this legislation, a total of $17,163,424 has been paid out in compensation awards.

The province is responsible for paying all compensation and costs but, pursuant to a cost-sharing agreement, which has been in effect since 1 January 1973, it recovers from the Government of Canada, except for administration costs, 10 cents per capita of the population of the province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending 31 March 1983, the contribution by the Federal Government amounted to $279,010 or 10 cents per capita based on Statistics Canada population estimate of British Columbia as of 1 June 1982.

PUBLICATIONS

The experience of the Board, as well as the experience of other jurisdictions having similar compensation programs, has shown that the success of the Act depends to a large extent on informing the public of its existence. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, provincial judges, police stations, employer associations, unions, schools, social workers, rape relief centres, and the news media, among others.

PUBLICATIONS (cont'd)

During the past year, the Board was represented on radio and television shows and held meetings and discussions with various interested groups, agencies and associations. News releases regarding compensation awards continue to be sent to every newspaper, radio and television station in the province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act.

ADMINISTRATION

The Board's workload has continued to increase steadily. 1,013 cases were adjudicated and finalized during the year. Awards were granted in 803 of these cases. The remaining 210 applicants, for a variety of reasons, were not considered to be entitled to any benefits under the Act and their applications were accordingly disallowed.

Assault cases continued to dominate as the most common type of crime involved. Of the 803 awards that were granted during the year, 451 involved cases of assault. Robbery was the next most frequent category of crime, involving some 115 cases.

The total expenditure for the year amounted to $3,764,108. Administration costs amounted to $501,292 or approximately 13% of that total. Additional details of these expenditures are contained on page 9 of this report.

ACKNOWLEDGEMENTS

The Board cannot conclude this report without expressing its appreciation and gratitude to the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers and various other persons and associations, for their excellent cooperation and assistance in the administration of this Act.

Acknowledgement must also be made to the news media of this province for publicizing the benefits available under the Act.

Respectfully submitted,

W.R. Flesher
Chairman

R.B. Bucher
Commissioner

M. Parr
Commissioner

G.W. Hall
Commissioner

H.E. Scollan
Commissioner

STATISTICAL SUMMARIES

VOLUME OF WORK

	1972-81	1982	1983	Total to Date
Applications received	5,222	1,008	1,112	7,342
Number of awards granted	3,486	606	803	4,895
Awards paid	$10,931,281	$2,969,327	$3,262,816	$17,163,424

SUMMARY OF APPLICATIONS AND DISPOSITION

1 January 1983 to 31 December 1983

Applications carried forward from prior years	163
Applications received in 1983	1,112
	1,275

Disposition of applications:

(a) Applications allowed - awards granted	803
(b) Applications denied - awards not allowed	210
(c) Applications withdrawn/abandoned	121
(d) Applications carried forward to 1984	141
	1,275

Summary of awards:

(a)	Number of lump sum awards granted in 1983	779
(b)	Number of periodic awards granted in 1983	24
(c)	Lump sum payments	$2,416,458
*(d)	Periodic payments	846,358
(e)	Total awards paid	$3,262,816

* Includes ongoing payments on claims adjudicated in prior years.

CRIMES INVOLVED ON AWARDS GRANTED

Causing Bodily Harm by Explosive Substance	2
Dangerous Use of Firearm	6
Rape	37
Attempted Rape	5
Sexual Intercourse with Female under 14 or 16	15
Indecent Assault on Female	18
Indecent Assault on Male	1
Common Nuisance Causing Harm	2
Causing Death by Criminal Negligence	1
Causing Bodily Harm by Criminal Negligence	4
Murder	44
Manslaughter	6
Attempted Murder	31
Causing Bodily Harm with Intent	31
Common Assault	48
Assault Causing Bodily Harm	389
Assault with Intent to Commit Indictable Offence	14
Kidnapping	2
Abduction of Female	1
Robbery	115
Intimidation by Violence	1
Mischief Causing Actual Danger to Life	9
Arson	14
Assisting a Peace Officer	2
Preventing a Crime	5
	803

APPLICATIONS BY AREA

ABBOTSFORD	8	LAKE COWICHAN	1
AGASSIZ	3	LANGFORD	2
ALDERGROVE	3	LANGLEY	13
ANAHIM LAKE	1	LAVINGTON	2
ASHCROFT	1	LILLOOET	1
BARRIERE	1	LYTTON	1
BEAVERDELL	1	MACKENZIE	1
BURNABY	60	MAPLE RIDGE	6
BURNS LAKE	2	MASSET	1
CACHE CREEK	2	MATSQUI	3
CAMPBELL RIVER	11	MISSION	3
CASTLEGAR	1	MISSION CITY	3
CHASE	1	MOUNT DE COSMOS	1
CHILLIWACK	8	NANAIMO	17
CLEARBROOK	2	NELSON	5
CLINTON	1	NEW WESTMINSTER	41
CLOVERDALE	5	NEWTON	1
COLDSTREAM	1	NORTH VANCOUVER	20
COLWOOD LAGOON	1	OLIVER	1
COMOX	2	OSOYOOS	1
COPPER CANYON	2	PARKSVILLE	3
COQUITLAM	21	PEMBERTON	4
COURTENAY	7	PENTICTON	11
CRANBROOK	5	PITT MEADOWS	1
CRESTON	3	PORT ALBERNI	9
DAWSON CREEK	4	PORT COQUITLAM	8
DELTA	7	PORT McNEILL	2
DUNCAN	11	PORT MOODY	7
ENDERBY	2	POWELL RIVER	5
ESQUIMALT	2	PRINCE GEORGE	35
FARMINGTON	1	PRINCE RUPERT	4
FAUQUIER	1	PRINCETON	1
FERNIE	1	QUALICUM BEACH	1
FORT NELSON	2	QUATHIASKI COVE	4
FORT ST. JAMES	5	QUESNEL	6
FORT ST. JOHN	7	REVELSTOKE	2
GOLD CREEK	1	RICHMOND	20
GOLD RIVER	2	SAANICH	1
GRAND FORKS	1	SALMO	2
HANCEVILLE	1	SALMON ARM	1
HAZELTON	1	SALT SPRING ISLAND	1
HOLBERG	1	SARDIS	1
HOPE	4	SIDMOUTH	1
HUDSON HOPE	1	SKIDEGATE	1
KAMLOOPS	26	SLOCAN	1
KELOWNA	13	SMITHERS	3
KIMBERLEY	1	SQUAMISH	1
KINCOLITH	1	SURREY	59
KITIMAT	2	TACHIE	1
KITSAULT LAKE	1	TERRACE	9

APPLICATIONS BY AREA (cont'd)

TEXADA ISLAND	2	WEST VANCOUVER	9
TOQUART BAY	1	WESTBANK	3
VANCOUVER	423	WESTVIEW	1
VANDERHOOF	3	WHITE ROCK	2
VERNON	15	WILLIAMS LAKE	7
VICTORIA	61	YALE	2
WEST SUMMERLAND	1	YARROW	1
		TOTAL	1,112

SUMMARY OF EXPENDITURES

For the year ended 31 December 1983

Claim Costs:		
Awards paid	$3,266,096	
Less third party recoveries	(3,280)	$3,262,816
Administration Costs:		
Salaries and payroll	$ 414,100	
Occupancy and other service costs	53,508	
Travel and field investigations	24,607	
Communications	6,605	
Equipment	3,905	
Publications and advertising	2,803	
Supplies and stationery	1,093	
Miscellaneous	886	
Less third party recoveries	(6,215)	501,292
Total Expenditure		$3,764,108

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims. When these decisions are reached, a copy is sent to the claimant and a copy is also sent to the Ministry of the Attorney General.

ILLUSTRATION NO. 1

On 31 July 1982 at approximately 8:30 p.m., the claimant, then age 59, sustained multiple injuries when he was attacked, robbed and severely beaten by a man wielding a hammer at the claimant's residence in Port Alberni, B.C. The attack occurred while the claimant was in bed sleeping. The man responsible for this incident was subsequently convicted of attempted murder and sentenced to 10 years imprisonment.

The injuries sustained by the claimant in this incident are described as multiple depressed skull fractures with multiple lacerations, cerebral contusion, basal skull fracture causing pneumoncephalus and rhinorrhea, exposure keratitis of the left globe with blindness and left ocular nerve palsy and corneal anaesthesia, fracture of the left zygoma and left infraorbital margin and depression of the left maxillary antrum with lateral displacement. Examination by a Board doctor on 12 May 1983 revealed that the claimant had made a reasonably good recovery from his injuries although he is left with a number of residual defects and disabilities including persistent dizziness and unsteadiness which is aggravated by total loss of vision of the left eye, reduced hearing on both sides with slightly greater loss on the left, discomforting left ocular nerve palsy and corneal anaesthesia and a very gross physical and cosmetic defect in the unreduced left orbital rim and flattened zygoma. It is considered unlikely the claimant is capable of returning to the work force.

The claimant was recovering from a 1981 motor vehicle accident, in which he had sustained injuries to his right arm and leg, and was not employed at the time of this incident. He was then receiving social assistance.

The claimant is a victim of crime within the meaning of the Act and is entitled to be compensated for the injuries sustained in this incident. The Act provides that the Board may award compensation in the form of periodic payments.

Taking into consideration the nature of the injuries sustained, pain and suffering and its duration, impairment of future earning capacity, the residual disabilities and defects remaining, future sequelae, if any, and the inconvenience occasioned by the injuries, the claimant's periodic award of compensation is assessed at $677.31 per month.

AWARD: Periodic payments of $677.31 per month for life, subject to future cost-of-living adjustment.

ILLUSTRATION NO. 2

On 13 May 1983 at approximately 11:30 p.m., the claimant, age 45, states that he was attacked, beaten and kicked by an unknown male person after the claimant had broken up a fight between two other individuals in a bar in Port Moody, B.C. No criminal charges have ever been laid in connection with this incident. According to police investigation, the police were summoned to a Legion Hall regarding a fight in progress. Upon police arrival, the police were informed that the fight had ended. Neither the claimant nor anyone else informed the police on that occasion of any injury to the claimant. This is evidently so despite inquiries made by police officers at a table occupied by five or six persons, one of whom was identified as the claimant. Subsequently, almost two weeks later on 25 May 1983, the police indicate that the claimant contacted the police office indicating that he had been hospitalized as a result of the incident of 13 May 1983. The police were advised on a subsequent occasion that the claimant wished to pursue criminal charges so that he could establish a claim for benefits under the Act. Subsequent police investigation, including interviews with eyewitnesses, revealed that several persons, including the claimant, were in varying states of intoxication during the night in question. According to one male person, who had been involved in a fight prior to the situation involving the claimant, the claimant was observed in an extremely intoxicated state to approach the fight involving the witness in an attempt to interfere. This person evidently told the claimant to mind his own business. The claimant admits to being extremely intoxicated at the time of this incident. The police report describes the situation as a fight ultimately involving the claimant in a "large crowd of intoxicated people who were in a tumultuous state". No criminal charges have ever been laid in connection with the alleged attack on the claimant.

The Criminal Injury Compensation Act defines a victim of crime as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. Section 4(1) of the Act further provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the amount thereof. Under the circumstances of this case, it cannot be concluded that the claimant is a victim of crime within the meaning of the Act. The fact of injury alone or that injury was received due to violence is not sufficient to justify such conclusion. It is extremely unclear as to exactly why and how this incident occurred in which the claimant himself was injured. It is clear, however, that the claimant while in an extremely intoxicated state had attempted to intercede in an earlier fight between two other persons. One can only surmise that the claimant ultimately became involved in a confrontation of his own in which he was injured. As no one at the scene reported having seen the claimant kicked or beaten, there is no independent evidence as to exactly how this incident occurred. The claimant himself admits that he was too drunk and has now no clear recollection of the incident himself. Subsequently, no report of this matter was made to police whatsoever until almost two weeks later. As a result, there has been no police investigation toward identification of the responsible party. It is also to be noted that the police did attend the scene of this incident and obviously while the claimant was still present at a

ILLUSTRATION NO. 2 (cont'd)

table occupied by several persons. Despite police inquiries, neither the claimant nor anyone else volunteered that the claimant had been injured. It is apparent that the claimant's report to the police almost two weeks later was simply in order to facilitate a claim for benefits under the Act. Even if the claimant could be considered to be a victim of crime, he is not, in light of the complete lack of any reliable information concerning this incident as well as his participation in what was apparently a continuing drunken altercation, entitled to any benefits under the Act. The proper time to report this matter would have been when the police attended the scene. As the matter was not reported, the responsible party has obviously completely escaped arrest and criminal prosecution in connection with this occurrence. There is not, in light of the circumstances, any justification for a finding that the claimant is a victim of crime within the meaning of the Act.

NO AWARD.

ILLUSTRATION NO. 3

On 5 April 1982 at approximately 12:00 midnight, the claimant, then age 26, was abducted, driven to a deserted area, brutally attacked and physically and sexually abused by a male person in the vicinity of Prince George, B.C. According to police investigation, the claimant had consumed a large amount of alcohol during the night in question and in fact had been drinking most of the evening and had consumed sufficient liquor to the point where the claimant was periodically passing out. Investigation indicates that the claimant and a female companion had accepted a ride from the assailant in a truck, the assailant being a total stranger to the claimant and her friend at that time. The claimant was able to be abducted by virtue of the fact that she had passed out due to extreme intoxication while in the truck, the driver proceeding quickly away the moment her friend had stepped from the vehicle. The attack occurred after the assailant had driven to a deserted location. The responsible party was later identified and charged with a number of criminal offences. He ultimately pleaded guilty to a charge of causing bodily harm with intent in connection with this incident. He was sentenced to a period of incarceration of two years.

The claimant was admitted to hospital for three days. Her injuries include multiple contusions, abrasions and lacerations about the face, head, body and limbs. Hospital examination also revealed lacerations about the vaginal area and the presence of an amount of sandy gravel and other foreign material within the vagina. She received the appropriate treatment. She was detained in hospital due to an extreme state of anxiety. Her hospital stay was uneventful.

On 21 July 1983, she was examined by a Board doctor and interviewed by a Board investigator. The medical examination revealed that she had recovered from the injuries. An anxiety state has subsided. The claimant is not considered to be disabled and no further sequelae are to be expected.

ILLUSTRATION NO. 3 (cont'd)

The claimant was not employed at the time of this incident. There is not considered to be any evidence of a loss of wages having been sustained due to this incident. She incurred $22.50 in hospital co-insurance charges with Prince George Regional Hospital. This account remains outstanding. She is also claiming a loss of a number of items of clothing seized by police as evidence as well as the loss of a wallet, cash, a ring and I.D.

The claimant is a victim of crime within the meaning of the Act and is entitled to be compensated for the injuries sustained in this incident. The Act does not provide for the payment of compensation in respect of the loss of items of clothing seized by police as evidence. Neither is there provision for the loss of such items as a wallet, cash or jewellery. Likewise, the Act does not cover the cost of such items as the installation of a lock at the victim's residence. An award of $22.50 is assessed with respect to the above enumerated item of hospital expense.

Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the amount thereof. There is no question that the claimant was the victim of a brutal physical and sexual attack. However, in light of her extreme intoxication and resulting loss of consciousness due to alcohol consumption, she had rendered herself completely helpless in the situation which occurred. The claimant's condition was undoubtedly a contributing factor in the manner in which she was abducted. Had the claimant been conscious or at least less under the influence of alcohol, the assailant would likely have been in no position to abduct her in the manner in which he did. All circumstances considered, as well as the fact that the claimant had chosen to accept a ride from a total stranger while in a state of extreme intoxication, it is considered that she has contributed toward the situation in which she was ultimately abducted and attacked. That contribution will be taken into account in the assessment of the award.

Taking into consideration the claimant's contribution toward the injuries, the nature of the injuries sustained, the nature and degree of the pain, suffering and mental anxiety and their duration, future sequelae, if any, and the inconvenience occasioned by the injuries, an additional award of $2,000.00 is assessed to compensate the claimant in that respect.

REDUCED AWARD: $2,022.50

EXAMPLES OF ALLOWED CLAIMS

10683 A 63-year-old female was attacked, choked, terrorized and repeatedly threatened by two knife-wielding men during which incident they ransacked victim's apartment and robbed her of a number of personal items. The culprits have not been identified. Victim received medical treatment for injuries including multiple contusions and an anxiety state. Award: $2,200.00 (pain and suffering, etc.)

11183 A 30-year-old male was without warning attacked, beaten and kicked in the face by a man both in a nightclub and after victim had been dragged outside of the premises. Attack persisted until arrival of police. Assailant pleaded guilty to assault causing bodily harm. Victim received multiple injuries including multiple facial fractures and extensive dental damage. Award: $6,541.44 (hospital co-insurance - $44.50; ambulance - $25.00; dental expense - $122.90; drug accounts - $11.04; clothing damage - $120.00; transportation expense - $218.00; loss of income, pain and suffering - $6,000.00)

12483 A 25-year-old female was attacked, threatened with a knife, forced to commit an indecent act and raped repeatedly by a man at victim's residence in Prince George, B.C. Assailant had previously been a boarder at victim's home. Culprit convicted of charges of gross indecency, possession of a dangerous weapon and five counts of rape in connection with this and other similar incidents. Victim received treatment for a resulting anxiety state and which had resulted in severe interference with victim's personal life and employment. Award: $5,900.00 (loss of wages, pain and suffering, etc.)

12783 A 22-year-old male was attacked, slashed with a knife and robbed by two men in a hotel in Victoria, B.C. Culprits were apprehended and charged with robbery. Victim treated for an eight-inch laceration of the chest. Award: $519.00 (hospital co-insurance - $4.00; transportation costs - $15.00; pain and suffering, etc. - $500.00)

15783 A 16-year-old female sustained fatal injuries when attacked and beaten by a man wielding a hammer near Chilliwack, B.C. Deceased was one of some 12 mass murder victims to die at the hands of the same assailant. Culprit ultimately pleaded guilty to 11 counts of murder in relation to the deaths. Victim's father made application on behalf of himself and his family. Victim had prior to her death worked at a number of occupations and had contributed some income to the family. Award: $6,500.00 (funeral and burial expense, loss of pecuniary benefit)

17583 A 17-year-old female was attacked, punched and kicked by a female assailant on a street in Agassiz, B.C. Culprit was convicted of a charge of common assault. Victim's injuries included multiple contusions of the face, right thigh and buttocks although victim did not seek medical attention at any time for the injuries. Award: $250.00 (pain and suffering, etc.)

EXAMPLES OF ALLOWED CLAIMS (cont'd)

18483 A 20-year-old male received injuries when attacked and thrown over a railing resulting in a fall of a distance of 12 to 15 feet to the floor of a cabaret in Powell River, B.C. Victim was attacked when he attempted to assist a female person who was being harassed by the culprit. Due to a lack of evidence, no criminal charges were laid. Victim required extensive medical treatment including one week of hospitalization for injuries including multiple fractures of the skull and resulting in conditions of left facial palsy, loss of balance and left-sided hearing impairment. Victim has been left with permanent conditions of left-sided deafness and facial weakness. Award: $12,000.00 (clothing loss, loss of wages, pain and suffering, etc.)

18683 A 76-year-old female was attacked, thrown against a parked car and knocked heavily to the ground during a purse-snatching incident by a male youth on a street in Vancouver, B.C. Culprit has not been identified. Victim received hospital and medical treatment for injuries including a fracture of the left proximal humerus and dislocation of the left glenohumeral joint. Victim has been left with a permanent condition of a partially frozen left shoulder. Award: $4,898.65 (hospital co-insurance - $37.50; ambulance - $25.00; drug costs - $24.15; transportation - $12.00; pain and suffering, etc. - $4,800.00)

20183 A 45-year-old female received multiple injuries upon jumping from the window of a private residence in Vancouver, B.C. Victim acted in order to escape from a gun-wielding man who had entered the residence and following which culprit fatally shot one man and seriously wounded another. Assailant convicted of a charge of murder. Victim received treatment for injuries including multiple contusions and strains of both legs and knees. Award: $900.00 (pain and suffering, etc.)

21083 A 41-year-old male was attacked and beaten by two men who wielded an iron bar in a restaurant in Vancouver, B.C. Culprits were charged with mischief and common assault. Victim received treatment for multiple contusions and abrasions and a resulting condition of olecranon bursitis. Award: $3,200.00 (loss of wages, pain and suffering)

21583 A 42-year-old male was attacked and beaten by several male youths on a street in Vancouver, B.C. Police investigation revealed that the attack was racially motivated. Due to a lack of evidence, no criminal charges were laid. Victim's injuries included multiple lacerations of the face and head and multiple rib contusions. Victim has been left with conspicuous scars, the appearance of which had a significant impact on victim's employment as a salesman. Award: $6,221.58 (hospital co-insurance - $4.00; drug expense - $40.23; eyeglasses - $129.95; transportation costs - $7.40; clothing loss - $40.00; loss of income, pain and suffering, etc. - $6,000.00)

21983 A 39-year-old female was attacked, abducted from her residence, repeatedly threatened with a shotgun, beaten and then repeatedly sexually abused and raped by a male person at a motor court in Vancouver, B.C. Victim also received threats from assailant's mother who was present during much of the attack. Male offender charged with kidnapping and unlawful confinement, assault causing bodily harm, possession of dangerous weapon and indecent

EXAMPLES OF ALLOWED CLAIMS (cont'd)

assault. Victim hospitalized and received treatment for multiple lacerations and contusion of the face and head, a fractured right mandible and dental damage. Award: $3,488.00 (dental costs - $70.00; transportation - $18.00; loss of income, pain and suffering, etc. - $3,400.00)

23483, 23583, 23683, 23783 A 37-year-old female suffered nervous shock and mental and emotional anxiety upon learning that her three daughters, age 15, 14 and 13, had been subjected to numerous incidents of sexual abuse at the hands of victim's former husband at various locations including the family home in Port Alberni, B.C. Culprit charged with several counts of indecent assault, gross indecency and having sexual intercourse with a female under the age of 14 years. Application is made by victim on behalf of herself and her three daughters. Award: $13,350.00 distributed (a) to victim (transportation costs - $150.00; pain and suffering, etc. - $5,000.00); (b) daughter age 15 (pain and suffering - $4,200.00); (c) daughter age 14 (pain and suffering - $2,000.00); (d) daughter age 13 (pain and suffering - $2,000.00)

25783 A 56-year-old male was attacked and beaten by a male person on a road in the area of Farmington, B.C. Culprit pleaded guilty to a charge of assault causing bodily harm. Victim required treatment for injuries including multiple and extensive lacerations of the mouth and gums, dental damage and an undisplaced fracture of the left lateral malleolus. Victim's injuries resulted in substantial interference with victim's self-employment as a farmer and for a period of several months. Award: $7,340.85 (hospital co-insurance - $18.00; drug account - $6.65; medical account - $5.50; dental expense - $103.00; transportation costs - $187.70; clothing damage - $20.00; loss of income, pain and suffering, etc. - $7,000.00)

29183 A 26-year-old male was attacked, struck on the head with a club and robbed by two men on a street in Vancouver, B.C. The culprits have not been identified. Victim's injuries included a laceration of the scalp and of the face and dental damage. Award: $1,561.30 (ambulance expense - $25.00; clothing damage - $20.00; dental repairs - $716.30; pain and suffering, etc. - $800.00)

30283 A 71-year-old male was attacked, beaten and kicked by six to eight male youths on a street in Victoria, B.C. The culprits have not been identified. Victim's injuries included multiple contusions of the face and back and trauma to the right eye including a ruptured globe with intraocular hemorrhaging. Injuries also resulted in an aggravation of a pre-existing condition of chronic osteoarthritis of the cervical spine. Victim is left with a permanent condition of practical blindness of the right eye. Award: $8,540.00 (clothing damage - $40.00; pain and suffering, etc. - $8,500.00)

30683 A 24-year-old female was attacked and thrown to the ground by two male persons in an attempted purse-snatching incident on a street in New Westminster, B.C. The culprits have not been identified. Victim did not require medical attention for injuries including multiple abrasions of both knees and one hand. Award: $400.00 (clothing loss - $100.00; pain and suffering, etc. - $300.00)

EXAMPLES OF ALLOWED CLAIMS (cont'd)

33383 A 69-year-old male was attacked and bitten by a dog on a street in Coquitlam, B.C. Investigation reveals that the dog had been commanded and/or permitted to attack the victim as victim passed by a private residence occupied by the dog owner. Due to a lack of evidence, criminal proceedings were not laid. Victim suffered from lacerations of the palm of the left hand. Award: $1,620.00 (medical account - $120.00; loss of wages, pain and suffering, etc. - $1,500.00)

34883 A 60-year-old male received injuries due to a fall while giving chase to a suspect following a purse-snatching incident involving victim's wife on a street in Vancouver, B.C. Victim's injuries included multiple abrasions and contusions and an anterior dislocation of the left shoulder joint with fracture of the greater tuberosity. Victim is left with minor reduction in left shoulder movement. Award: $4,839.78 (hospital co-insurance - $8.00; drug account - $6.78; ambulance account - $25.00; pain and suffering, etc. - $4,800.00)

35283 A 15-year-old female was abducted, driven to a private residence in Surrey, B.C. and during a subsequent period of ten hours was repeatedly beaten, physically abused, indecently assaulted and raped by a group of no less than 12 male persons. Five of the assailants were later charged with several counts of unlawful confinement and rape. Victim has since required a long-term program of psychotherapy as a result of a severe anxiety state relatable to the incident. Award: $5,508.58 (drug account - $8.58; pain and suffering - $5,500.00)

38783 A 60-year-old male received fatal injuries as a result of being beaten by an intoxicated man in a bar in Quathiaski Cove, B.C. Application is made by victim's widow on behalf of herself and three children who continue to reside with applicant. Award: $539.93 (funeral and burial expenses) plus periodic award of $400.00 per month subject to future cost-of-living adjustments as of 1 January 1984, payments commencing effective 17 December 1982 and continuing monthly until applicant's remarriage or death.

40283 A 34-year-old female was attacked and slashed in the face with a beer glass by a female person in a beer parlour in Burnaby, B.C. Culprit was charged with assault causing bodily harm. Victim received treatment for multiple contusions and deep lacerations of the face. Minor scarring remains in the area of the left eye. Award: $1,909.00 (hospital co-insurance - $4.00; ambulance account - $25.00; clothing damage - $30.00; loss of wages, pain and suffering, etc. - $1,850.00)

40983 A 46-year-old female was injured due to a fall to the ground following an asthma attack near an apartment building in Richmond, B.C. Said asthma attack was brought on by acts of vandalism perpetrated by three male youths and witnessed by victim. Verbal abuse and harassment were also directed toward victim by the culprits during subsequent police investigation. Criminal charges have since been laid. Victim received medical treatment for the stress-induced asthma attack. Award: $897.05 (hospital co-insurance - $4.00; ambulance account - $25.00; drug account - $18.05; loss of wages, pain and suffering - $850.00)

EXAMPLES OF ALLOWED CLAIMS (cont'd)

41983 A 65-year-old male received injuries during a scuffle with a female person after victim had discovered this individual in the act of committing a theft at victim's residence in Matsqui, B.C. Culprit was charged with breaking and entering. Victim's injuries include multiple contusions and abrasions. Award: $1,429.00 (hospital co-insurance - $4.00; transportation cost - $25.00; pain and suffering, etc. - $1,400.00)

49283 A 71-year-old male received injuries when struck on the neck by a rock, thrown through the window of a car operated by the victim on a street in Vancouver, B.C. Victim's injury also resulted in his losing control of his vehicle and colliding with a covered bus stop. Culprit was convicted of a charge of mischief. Victim's injuries included multiple contusions, lacerations and strains and a nasal fracture. Award: $2,154.00 (hospital co-insurance - $4.00; ambulance - $25.00; clothing loss - $175.00; loss of wages, pain and suffering, etc. - $1,950.00)

52183 A 25-year-old female jumped from a second storey of a motel in Burnaby, B.C. in order to escape an arson fire on the premises. A suspect was later arrested. Victim's injuries included multiple contusions and abrasions, second degree burns and smoke inhalation. Award: $1,800.00 (pain and suffering, etc.)

58983 A 54-year-old female was knocked heavily to the ground by an intoxicated female person during a dispute between the culprit and another individual on a street in Victoria, B.C. The responsible party has not been identified. While investigation reveals no evidence of any intent on the part of the culprit to injure victim, offender considered to have committed the offence of common nuisance causing harm in relation to injury to victim. Injuries included a right posterior rib fracture and separation of the right anterior costal margin. Award: $2,254.00 (hospital co-insurance - $4.00; loss of wages, pain and suffering, etc. - $2,250.00)

59383 Victims, age 2 and age 9 months, sustained fatal injuries due to carbon monoxide poisoning at their residence in Prince George, B.C. Incident relatable to an apparent suicide of an emotionally disturbed man who had directed car exhaust fumes to his suite. Investigation reveals that, had the responsible party survived, charges of criminal negligence would have been considered. Application is received from father of the victims. Award: $1,652.00 (funeral and burial expenses)

61183 A 26-year-old male received multiple injuries due to explosion of a bomb which had been contained in a package addressed to victim and which victim was in the process of opening in a parked vehicle on a street in New Westminster, B.C. Police investigation reveals that an explosive devise had been deliberately rigged to detonate upon opening. The responsible party or parties have not been identified. Victim's injuries include multiple burns to 12 percent of his body and a left ear drum perforation with accompanying hearing loss. Victim is left with permanent conditions of scarring and hearing loss. Award: $16,407.00 (hospital co-insurance - $154.00; ambulance - $25.00; physiotherapy - $108.00; transportation - $60.00; clothing damage - $60.00; pain and suffering, etc. - $16,000.00)

EXAMPLES OF DISALLOWED CLAIMS

12183 A 23-year-old male received injury when stabbed with a knife by a male person during a fight on the premises of a service station in Duncan, B.C. Claimant admitted that following an earlier fight between the alleged assailant and another male person, claimant and his brother left the scene to obtain a baseball bat and following which they commenced to look for the alleged assailant. Later, a vehicle occupied by claimant and his brother deliberately swerved toward the alleged assailant who had been spotted riding a motorcycle. A fight then occurred involving claimant and the other party. Investigation indicated that the office of Crown Counsel ultimately stayed all criminal proceedings in connection with the incident on the basis that both claimant and alleged assailant were equal participants in an ongoing dispute and that indeed claimant had been the aggressor in the fight in which he was injured. No award was made in light of claimant's own extreme contribution toward and voluntary participation in the entire incident. Disposition of criminal proceedings was also considerered in arriving at the decision made with respect to the claim.

17083 A 28-year-old male alleged that he was attacked and stabbed repeatedly with a knife by a male person at a private residence in Campbell River, B.C. Claimant later gave police a detailed written statement in which he identified one D. as being responsible for his injuries. During the criminal trial several months later, claimant, while giving evidence under oath, alleged that he could not remember anything about the incident and specifically could not remember who was responsible for his injuries. As a result, the accused was acquitted of all charges laid. No award was granted as claimant did not cooperate in criminal proceedings. There was every indication that claimant deliberately gave false evidence to avoid testifying against the accused and with the result that the accused was acquitted of all charges. In light of claimant's obvious failure to cooperate in the criminal justice system, he was in no position to claim benefits as a victim of crime under the Act.

17283 A 35-year-old female alleged that she was attacked and raped by a male person while the claimant was in bed sleeping at a private residence in Penticton, B.C. Claimant admitted that she was intoxicated after having consumed a mixture of prescription drugs and alcohol during the evening in question. Claimant in fact had little or no recollection of the events, did not get out of bed following the attack because she was "so tired", did not report the matter to police for two days and subsequently slept at the residence on a second occasion following the alleged attack and notwithstanding that assailant was allegedly the owner of the residence in question. No award was granted as there was very little, if any, evidence that the claimant had been the victim of a sexual attack or any attack at all. Claimant's poor credibility did not justify the making of any award in this case.

18983 A 19-year-old male alleged that he received injuries when attacked for no reason, slashed with a knife and set upon by a dog in the company of six male persons in a park in Victoria, B.C. Police investigation revealed that claimant had been trafficking in drugs, had become involved in a dispute

EXAMPLES OF DISALLOWED CLAIMS (cont'd)

with one of the alleged assailants concerning price of the drugs and that claimant himself started the incident in question when he attacked the other person. Claimant ultimately admitted to police that he had been trafficking in drugs at the time. No award was made in light of claimant's obvious participation in an illegal activity and which had led directly to the incident in which he was injured and to which he had himself contributed toward in the extreme. Claimant's initial story that he was an innocent victim of an attack for no reason had been concocted solely in the interests of pursuing benefits under the Act.

22283 A 20-year-old male alleged that he was attacked and severely beaten without provocation by four male persons on a road in Surrey, B.C. Investigation reveals that claimant, while intoxicated and as a prank, had been deliberately jumping in front of passing cars forcing them to brake to avoid collision. Claimant was evidently beaten by an irate motorist. No award was granted as claimant, in light of his own reckless and thoroughly irresponsible behaviour, had contributed very substantially toward the entire incident.

45183 A 63-year-old female received injuries during her attempt to stop a fight which had erupted between her pet dog and a second dog which had followed claimant into her residence in Vancouver, B.C. The owner of the offending dog was not identified. No award was granted as, under the circumstances, claimant was not considered to be a victim of crime within the meaning of the Act. While the incident may have involved an infringement of a municipal bylaw or found the basis for an action for damages at civil law against the dog owner, should he be identified, it did not constitute a crime as contemplated by the Act and/or as listed within the schedule of 44 offences contained in the Act.

61483 A 35-year-old female alleged that she was attacked and beaten by her boyfriend at her residence in Surrey, B.C. Claimant states that she had also been attacked on a number of other occasions by this person and that she has been repeatedly threatened by him since the incident giving rise to her claim. Claimant has at no time laid any criminal charges against this person. No award was granted in light of claimant's failure to proceed with the appropriate criminal charges. As claimant did not see fit to lay criminal charges in this case, it was considered that she was in no position to claim benefits as a victim of crime under the Act.

76583 A 17-year-old male alleged that he was attacked and beaten by two men near a road in North Vancouver, B.C. Subsequently, when interviewed by police, claimant refused to identify a male person who was a friend of claimant's and who was an eyewitness to the incident. Claimant also refused to advise police as to the reason or reasons for the alleged attack. Claimant later admitted that he was aware as to who was responsible for his injuries although he has never laid any criminal charges in connection with the occurrence. No award was granted in light of claimant's obvious lack of full and frank disclosure of all of the circumstances surrounding the incident as well as his apparent lack of cooperation with police during their investiga-

tion of this incident. Those who do not cooperate with police in the investigation of such incidents are in no position to come forward and claim benefits as victims of crime under the Act.

11483 A 46-year-old male alleged that he was attacked and beaten by a male acquaintance at a private residence in Vancouver, B.C. Claimant did not report the incident to police until almost four weeks after it occurred and for the sole purpose of facilitating a claim for benefits under the Act. No award was granted as claimant obviously had not reported the matter promptly or within a reasonable time. As a result, a proper police investigation was not possible. Regard was also had to the fact that claimant was extremely intoxicated at the time of the alleged attack and subsequently had little or no memory of the incident.

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